

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1314

Citations Affected: IC 4-10-15-2; IC 4-15-2-3.8; IC 5-22-4-8; IC 10-13-3-38.5; IC 12-12-9; IC 20-1-6; IC 20-8.1-4-22; IC 20-9.1-4-1; IC 20-10.1-15; IC 20-10.1-25.3; IC 20-15; IC 20-16; IC 20-20-13; IC 20-21; IC 20-22; IC 20-27-3-1; IC 20-30-11; IC 20-33-3-33; IC 20-35; IC 20-10.1-15-9; IC 20-10.1-15-16; IC 20-12-17-3; IC 20-15-1-7; IC 20-16-1-7; IC 20-21-1-7; IC 20-22-1-7; IC 20-30-11-9; IC 20-30-11-16; IC 20-10.1-15-9; IC 20-10.1-15-16; IC 20-12-17-3; IC 20-15-1-7; IC 20-16-1-7; IC 20-21-1-7; IC 20-22-1-7; IC 20-30-11-9; IC 20-30-11-16.

Synopsis: Various education matters. Changes the name of the School for the Blind to the School for the Blind and Visually Impaired. Makes certain changes to the qualifications for the superintendents of the School for the Blind and Visually impaired and the School for the Deaf, and changes the title of "superintendent" to "chief executive officer" for each school. Eliminates the requirement of approval from a school superintendent and a representative of a school corporation for a high school student to enroll in the postsecondary enrollment program. Requires a school corporation and a postsecondary institution to enter into a contract concerning credits for a student attending the postsecondary institution while the student is also attending secondary school. **(This conference committee report adds provisions concerning the School for the Blind and Visually Impaired and the School for the Deaf.)**

Effective: July 1, 2005.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1314 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 4-10-15-2, AS AMENDED BY HEA 1288-2005,
- 3 SECTION 57, IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2005]: Sec. 2. The warrants may be drawn for
- 5 the necessary and current expenses of the following:
- 6 (1) All psychiatric hospitals (as defined in IC 12-7-2-184).
- 7 (2) The Indiana School for the Deaf, established by IC 20-22-2-1.
- 8 (3) The Indiana School for the Blind **and Visually Impaired**,
- 9 established by IC 20-21-2-1.
- 10 (4) The Indiana Veterans' Home.
- 11 (5) The Plainfield Juvenile Correctional Facility.
- 12 SECTION 2. IC 4-15-2-3.8 IS AMENDED TO READ AS
- 13 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.8. "State service"
- 14 means public service by:
- 15 (1) employees and officers, including the incumbent directors, of
- 16 the county offices of family and children; and
- 17 (2) employees and officers, except members of boards and
- 18 commissions or individuals hired for or appointed to, after June 30,
- 19 1982, positions as appointing authorities, deputies, assistants
- 20 reporting to appointing authorities, or supervisors of major units
- 21 within state agencies, irrespective of the title carried by those
- 22 positions, of the division of disability, aging, and rehabilitative
- 23 services, Fort Wayne State Developmental Center, Muscatatuck

State Developmental Center, division of mental health and addiction, Larue D. Carter Memorial Hospital, Evansville State Psychiatric Treatment Center for Children, ~~Central State Hospital~~, Evansville State Hospital, Logansport State Hospital, Madison State Hospital, Richmond State Hospital, state department of health, Indiana School for the Blind **and Visually Impaired**, Indiana School for the Deaf, Indiana Veterans' Home, Indiana Soldiers' and Sailors' Children's Home, Silvercrest Children's Development Center, department of correction, Westville Correctional Facility, Plainfield Juvenile Correctional Facility, Putnamville Correctional Facility, Indianapolis Juvenile Correctional Facility, Indiana State Prison, Indiana Women's Prison, Pendleton Correctional Facility, Reception and Diagnostic Center, Rockville Correctional Facility, Youth Rehabilitation Facility, Plainfield Correctional Facility, department of fire and building services, state emergency management agency (excluding a county emergency management organization and any other local emergency management organization created under IC 10-14-3), civil rights commission, criminal justice planning agency, department of workforce development, Indiana historical bureau, Indiana state library, division of family and children, Indiana state board of animal health, Federal Surplus Property Warehouse, Indiana education employment relations board, department of labor, Indiana protection and advocacy services commission, commission on public records, Indiana horse racing commission, and state personnel department.

SECTION 3. IC 5-22-4-8, AS AMENDED BY HEA 1288-2005, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) As used in this section, "board" refers to either of the following:

(1) With respect to the Indiana School for the Blind **and Visually Impaired**, the board established by IC 20-21-3-1.

(2) With respect to the Indiana School for the Deaf, the board established by IC 20-22-3-1.

(b) As used in this section, "school" refers to either of the following:

(1) The Indiana School for the Blind **and Visually Impaired** established by IC 20-21-2-1.

(2) The Indiana School for the Deaf established by IC 20-22-2-1.

(c) As used in this section, "superintendent" refers to the ~~superintendent~~ **chief executive officer** of the school.

(d) Except as provided in subsection (f), the school is the purchasing agency for the school.

(e) Except as provided in subsection (f), the superintendent is the purchasing agent for the school for purchases with a value of not more than twenty-five thousand dollars (\$25,000).

(f) ~~Not later than October 1, 1999~~, The Indiana department of administration and the board shall develop and implement a written policy for purchases by the school with a value of more than twenty-five thousand dollars (\$25,000).

SECTION 4. IC 10-13-3-38.5, AS AMENDED BY HEA 1288-2005, SECTION 119, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2005]: Sec. 38.5. (a) Under federal P.L.92-544 (86 Stat. 1115), the department may use an individual's fingerprints submitted by the individual for the following purposes:

(1) Determining the individual's suitability for employment with the state, or as an employee of a contractor of the state, in a position:

(A) that has a job description that includes contact with, care of, or supervision over a person less than eighteen (18) years of age;

(B) that has a job description that includes contact with, care of, or supervision over an endangered adult (as defined in IC 12-10-3-2), except the individual is not required to meet the standard for harmed or threatened with harm set forth in IC 12-10-3-2(a)(3);

(C) at a state institution managed by the office of the secretary of family and social services or state department of health;

(D) at the Indiana School for the Deaf established by IC 20-22-2-1;

(E) at the Indiana School for the Blind **and Visually Impaired** established by IC 20-21-2-1;

(F) at a juvenile detention facility;

(G) with the gaming commission under IC 4-33-3-16;

(H) with the department of financial institutions under IC 28-11-2-3; or

(I) that has a job description that includes access to or supervision over state financial or personnel data, including state warrants, banking codes, or payroll information pertaining to state employees.

(2) Identification in a request related to an application for a teacher's license submitted to the professional standards board established by IC 20-28-2-1.

An applicant shall submit the fingerprints in an appropriate format or on forms provided for the employment or license application. The department shall charge each applicant the fee established under section 28 of this chapter and by federal authorities to defray the costs associated with a search for and classification of the applicant's fingerprints. The department may forward fingerprints submitted by an applicant to the Federal Bureau of Investigation or any other agency for processing. The state personnel department or the agency to which the applicant is applying for employment or a license may receive the results of all fingerprint investigations.

(b) An applicant who is an employee of the state may not be charged under subsection (a).

(c) Subsection (a)(1) does not apply to an employee of a contractor of the state if the contract involves the construction or repair of a capital project or other public works project of the state.

SECTION 5. IC 12-12-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The office of the secretary shall, on the first business day of each month, send a copy of a report filed under section 1 of this chapter to the following persons:

(1) For persons less than seventeen (17) years of age, to the following:

- (A) The Indiana School for the Blind **and Visually Impaired**.
- (B) The division of disability, aging, and rehabilitative services.
- (C) The division of special education of the department of education.

(2) For persons at least seventeen (17) years of age, to the following:

- (A) The division of disability, aging, and rehabilitative services.
- (B) On request, organizations serving the blind **or visually impaired** and the state department of health.

SECTION 6. IC 12-12-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) On receiving a report under this chapter, the division of disability, aging, and rehabilitative services shall provide information to the visually impaired individual designated in the report concerning available state and local services.

(b) For a visually impaired individual less than seventeen (17) years of age, the Indiana School for the Blind **and Visually Impaired**:

- (1) has the primary duty of initially contacting the visually impaired individual or the individual's family; and
- (2) shall notify the division of disability, aging, and rehabilitative services and the department of education of the school's findings.

SECTION 7. IC 12-12-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. This chapter does not prohibit a physician or an optometrist from making a referral to a local school corporation, an agency, the Indiana School for the Blind **and Visually Impaired**, or an agency or organization working with the blind or visually impaired.

SECTION 8. IC 20-1-6-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.1. (a) There is created under the Indiana state board of education a division of special education, which shall exercise all the power and duties set out in this chapter. The governor shall appoint, upon the recommendation of the state superintendent of public instruction, a director of special education who serves at the pleasure of the governor. The amount of compensation of the director shall be fixed by the budget agency with the approval of the governor. The duties of the director are as follows:

- (1) To have general supervision of all programs, classes, and schools, including those conducted by the public schools, the Indiana School for the Blind **and Visually Impaired**, the Indiana School for the Deaf, the department of correction, the state department of health, the division of disability, aging, and rehabilitative services, and the division of mental health and addiction, for children with disabilities and to coordinate the work of these schools. In addition, relative to programs for preschool children with disabilities as required under section 14.1 of this chapter, the director has general supervision over programs, classes, and schools, including those conducted by the schools or other state or local service providers as contracted for under section 14.1 of this chapter. However, general supervision does not include the determination of admission standards for the state departments, boards, or agencies authorized to provide programs or classes

- 1 under this chapter.
- 2 (2) To adopt, with the approval of the Indiana state board of
3 education, rules governing the curriculum and instruction,
4 including licensing of personnel in the field of education, as
5 provided by law.
- 6 (3) To inspect and rate all schools, programs, or classes for children
7 with disabilities to maintain proper standards of personnel,
8 equipment, and supplies.
- 9 (4) With the consent of the state superintendent of public
10 instruction and the budget agency, to appoint and fix salaries for
11 any assistants and other personnel needed to enable the director to
12 accomplish the duties of the director's office.
- 13 (5) To adopt, with the approval of the Indiana state board of
14 education, the following:
- 15 (A) Rules governing the identification and evaluation of children
16 with disabilities and their placement under an individualized
17 education program in a special education program.
- 18 (B) Rules protecting the rights of a child with a disability and the
19 parents of the child with a disability in the identification,
20 evaluation, and placement process.
- 21 (6) To make recommendations to the Indiana state board of
22 education concerning standards and case load ranges for related
23 services to assist each teacher in meeting the individual needs of
24 each child according to that child's individualized education
25 program. The recommendations may include the following:
- 26 (A) The number of teacher aides recommended for each
27 exceptionality included within the class size ranges.
- 28 (B) The role of the teacher aide.
- 29 (C) Minimum training recommendations for teacher aides and
30 recommended procedures for the supervision of teacher aides.
- 31 (7) To cooperate with the interagency coordinating council
32 established under IC 12-17-15 to ensure that the preschool special
33 education programs required under section 14.1 of this chapter are
34 consistent with the early intervention services program described
35 in IC 12-17-15.
- 36 (b) The director or the Indiana state board of education may exercise
37 authority over vocational programs for children with disabilities
38 through a letter of agreement with the department of workforce
39 development.
- 40 SECTION 9. IC 20-1-6-15.1 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15.1. (a) For the
42 purposes of this section, "comprehensive plan" means a plan for
43 educating all children with disabilities that a school corporation is
44 required to educate under sections 14 through 14.1 of this chapter, and
45 those additional children with disabilities that it elects to educate.
- 46 (b) For purposes of this section, "school corporation" includes the
47 following:
- 48 (1) The Indiana School for the Blind **and Visually Impaired**
49 board.
- 50 (2) The Indiana School for the Deaf board.
- 51 (c) The Indiana state board of education shall adopt rules under

IC 4-22-2 detailing the contents of the comprehensive plan. Each school corporation shall complete and submit to the state superintendent of public instruction a comprehensive plan. School corporations operating cooperative or joint special education services may submit a single comprehensive plan. In addition, if a school corporation enters into a contractual agreement as permitted under section 14.1 of this chapter, the school corporation shall collaborate with the service provider in formulating the comprehensive plan.

(d) Notwithstanding the age limits set out in section 1 of this chapter, the Indiana state board of education may conduct a program for the early identification of children with disabilities, between the ages of birth and twenty-one (21), not served by the public schools or through a contractual agreement under section 14.1 of this chapter, and may utilize agencies that serve children with disabilities other than the public schools.

(e) The Indiana state board of education shall adopt rules under IC 4-22-2 requiring the department of correction, the state department of health, the division of disability, aging, and rehabilitative services, the Indiana School for the Blind **and Visually Impaired** board, the Indiana School for the Deaf board, and the division of mental health and addiction to submit to the superintendent of public instruction a plan for the provision of special education for children in programs administered by each respective agency who are entitled to a special education.

(f) The superintendent of public instruction shall furnish professional consultant services to the school corporations, the department of correction, the state department of health, the division of disability, aging, and rehabilitative services, the Indiana School for the Blind **and Visually Impaired** board, the Indiana School for the Deaf board, and the division of mental health and addiction to aid them in fulfilling the requirements of this section.

SECTION 10. IC 20-1-6-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) The superintendent shall appoint a state advisory council on the education of children with disabilities whose duties shall consist of providing policy guidance concerning special education and related services for children with disabilities. The superintendent shall appoint at least seventeen (17) members who shall serve for a period of four (4) years. Vacancies shall be filled in like manner for the unexpired balance of the term.

(b) The members must be citizens of Indiana who are representative of the state's population and selected on the basis of their involvement in or concern with the education of children with disabilities. A majority of the members must be individuals with disabilities or the parents of children with disabilities. Members must include the following:

- (1) Parents of children with disabilities.
- (2) Individuals with disabilities.
- (3) Teachers.
- (4) Representatives of higher education institutions that prepare special education and related services personnel.

- 1 (5) State and local education officials.
- 2 (6) Administrators of programs for children with disabilities.
- 3 (7) Representatives of state agencies involved in the financing or
- 4 delivery of related services to children with disabilities, including
- 5 the following:
- 6 (A) The commissioner of the state department of health or the
- 7 commissioner's designee.
- 8 (B) The director of the division of disability, aging, and
- 9 rehabilitative services or the director's designee.
- 10 (C) The director of the division of mental health and addiction or
- 11 the director's designee.
- 12 (D) The director of the division of family and children or the
- 13 director's designee.
- 14 (8) Representatives of nonpublic schools and freeway schools.
- 15 (9) One (1) or more representatives of vocational, community, or
- 16 business organizations concerned with the provision of transitional
- 17 services to children with disabilities.
- 18 (10) Representatives of the department of correction.
- 19 (11) A representative of each of the following:
- 20 (A) The Indiana School for the Blind **and Visually Impaired**
- 21 board.
- 22 (B) The Indiana School for the Deaf board.
- 23 (c) The responsibilities of the state advisory council are as follows:
- 24 (1) To advise the superintendent and the board regarding all rules
- 25 pertaining to children with disabilities.
- 26 (2) To recommend approval or rejection of completed
- 27 comprehensive plans submitted by school corporations acting
- 28 individually or on a joint school services program basis with other
- 29 corporations.
- 30 (3) To advise the department of unmet needs within the state in the
- 31 education of children with disabilities.
- 32 (4) To provide public comment on rules proposed by the board
- 33 regarding the education of children with disabilities.
- 34 (5) To advise the department in developing evaluations and
- 35 reporting data to the United States Secretary of Education under 20
- 36 U.S.C. 1418.
- 37 (6) To advise the department in developing corrective action plans
- 38 to address findings identified in federal monitoring reports under
- 39 20 U.S.C. 1400 et seq.
- 40 (7) To advise the department in developing and implementing
- 41 policies related to the coordination of services for children with
- 42 disabilities.
- 43 (d) The council shall organize with a chairperson selected by the
- 44 superintendent and meet as often as necessary to conduct the council's
- 45 business at the call of the chairperson upon ten (10) days written notice
- 46 but not less than four (4) times a year. Members of the council shall be
- 47 entitled to reasonable amounts for expenses necessarily incurred in the
- 48 performance of their duties.
- 49 (e) The superintendent shall designate the director to act as executive
- 50 secretary of the council and shall furnish all professional and clerical
- 51 assistance necessary for the performance of its powers and duties.

(f) The affirmative votes of a majority of the members appointed to the council are required for the council to take action.

SECTION 11. IC 20-1-6-18.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18.2. (a) The Indiana state board of education shall adopt rules under IC 4-22-2 which establish limitations on the amount of transportation which may be provided in the student's individualized education program. Unless otherwise specially shown to be essential by the child's individualized education program, in case of residency in a public or private facility, these rules shall limit the transportation required by the student's individualized education program to ~~his~~ **the student's** first entrance and final departure each school year plus round trip transportation each school holiday period and two (2) additional round trips each school year.

(b) Whenever a student is a transfer student receiving special education in a public school, the state or school corporation responsible for the payment of transfer tuition under IC 20-8.1-6.1-1 shall bear the cost of transportation required by the student's individualized education program. However, if a transfer student was counted as an eligible student for purposes of a distribution in a calendar year under IC 21-3-3.1, the transportation costs that the transferee school may charge for a school year ending in the calendar year shall be reduced by the sum of the following:

(1) The quotient of the amount of money that the transferee school is eligible to receive under IC 21-3-3.1-2.1 for the calendar year in which the school year ends divided by the number of eligible students for the transferee school for the calendar year (as determined under IC 21-3-3.1-2.1).

(2) The amount of money that the transferee school is eligible to receive under IC 21-3-3.1-4 for the calendar year in which the school year ends for the transportation of the transfer student during the school year.

(c) Whenever a student receives a special education:

(1) in a facility operated by:

(A) the state department of health;

(B) the division of disability, aging, and rehabilitative services; or

(C) the division of mental health and addiction;

(2) at the Indiana School for the Blind **and Visually Impaired**; or

(3) at the Indiana School for the Deaf;

the school corporation in which the student has legal settlement shall bear the cost of transportation required by the student's individualized education program. However, if the student's legal settlement cannot be ascertained, the Indiana state board of education shall bear the cost of transportation required by the student's individualized education program.

(d) Whenever a student is placed in a private facility under section 19 of this chapter in order to receive a special education because the student's school corporation cannot provide an appropriate special education program, the school corporation in which the student has legal settlement shall bear the cost of transportation required by the

1 student's individualized education program. However, if the student's
 2 legal settlement cannot be ascertained, the Indiana state board of
 3 education shall bear the cost of transportation required by the student's
 4 individualized education program.

5 SECTION 12. IC 20-8.1-4-22 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. The employment
 7 of children in the Indiana School for the Deaf and the Indiana School
 8 for the Blind **and Visually Impaired** is subject to the general
 9 restrictions imposed on child labor under this chapter.

10 SECTION 13. IC 20-9.1-4-1 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The state school
 12 bus committee is hereby created. The committee shall be composed of
 13 the following voting members:

14 (1) The state superintendent of public instruction, or the
 15 superintendent's authorized representative, who shall serve as
 16 chairman of the committee.

17 (2) The commissioner of the bureau of motor vehicles, or the
 18 commissioner's authorized representative.

19 (3) The administrator of the motor carrier services division of the
 20 department of state revenue.

21 (4) The director of the governor's council on impaired and
 22 dangerous driving.

23 (5) A school bus driver, appointed by the state superintendent of
 24 public instruction upon the recommendation of the Indiana State
 25 Association of School Bus Drivers, Inc.

26 (6) A superintendent of a school corporation, appointed by the state
 27 superintendent of public instruction upon the recommendation of
 28 the Indiana Association of Public School Superintendents.

29 (7) A member of the governing body of a school corporation,
 30 appointed by the state superintendent of public instruction upon the
 31 recommendation of the Indiana School Boards Association.

32 (8) A representative of the Indiana School for the Blind **and**
 33 **Visually Impaired** or the Indiana School for the Deaf, appointed
 34 by the state superintendent of public instruction.

35 (9) A member of the School Transportation Association of Indiana,
 36 appointed by the state superintendent of public instruction upon the
 37 recommendation of the School Transportation Association of
 38 Indiana.

39 (b) The state superintendent of public instruction shall designate a
 40 secretary from the department of education who shall keep the official
 41 record of the meetings and of official transactions of the committee.

42 SECTION 14. IC 20-10.1-15-4 IS AMENDED TO READ AS
 43 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The
 44 postsecondary enrollment program is established for secondary school
 45 students in grades 11 and 12.

46 (b) A student may ~~upon approval of that student's school corporation,~~
 47 enroll in courses offered by an eligible institution under the program on
 48 a full-time or part-time basis during grade 11, grade 12, or both.

49 (c) If a course has been approved for secondary credit by the school
 50 corporation, a student is entitled to credit toward graduation
 51 requirements for each course the student successfully completes at that

1 institution.

2 SECTION 15. IC 20-10.1-15-7 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. ~~(a)~~ A representative
4 of the school corporation shall meet with each student who intends to
5 participate in the program and discuss the following:

- 6 ~~(1) The student's eligibility to participate in the program.~~
- 7 ~~(2) (1) The courses in which the student is authorized to enroll.~~
- 8 ~~(3) (2) The postsecondary credit the student earns upon successful~~
9 ~~completion of a course.~~
- 10 ~~(4) (3) The consequences of a student's failure to successfully~~
11 ~~complete a course.~~
- 12 ~~(5) (4) The student's schedule.~~
- 13 ~~(6) (5) The financial obligations of the student and the school under~~
14 ~~the program.~~
- 15 ~~(7) (6) The responsibilities of the student, the student's parent or~~
16 ~~guardian, and the school under the program.~~
- 17 ~~(8) (7) Other matters concerning the program.~~

18 ~~(b) The representative of the school corporation shall make a~~
19 ~~recommendation to the principal concerning the student's participation~~
20 ~~in the program.~~

21 ~~(c) The principal shall make a determination, based on the~~
22 ~~recommendation received under subsection (b), concerning:~~

- 23 ~~(1) the student's eligibility to participate in the program; and~~
- 24 ~~(2) the courses approved for secondary credit.~~

25 ~~(d) The principal shall notify the student and the superintendent of the~~
26 ~~school corporation, in writing, of the determination under subsection~~
27 ~~(c). If the principal determines that:~~

- 28 ~~(1) the student is not eligible to participate in the program; or~~
- 29 ~~(2) a course in which the student intends to enroll is not approved~~
30 ~~for secondary credit;~~

31 ~~the principal must state, in writing, the reasons for that determination.~~

32 SECTION 16. IC 20-10.1-15-8 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. The governing body
34 of each school corporation shall:

- 35 **(1) adopt policies to implement the program, based on guidelines**
36 **established by the department of education; and**
- 37 **(2) work with postsecondary institutions to grant secondary**
38 **credits for any student attending a postsecondary institution**
39 **while the student is attending secondary school.**

40 SECTION 17. IC 20-10.1-15-10 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) A student ~~who~~
42 ~~is approved for participation in the program~~ may apply for enrollment
43 to an eligible institution. The institution shall accept or reject the
44 student based on the standards ordinarily used to decide student
45 enrollments. However, a student ~~who is approved for participation~~ in
46 the program ~~by the student's school corporation~~ may not be refused
47 admission solely because the student has not graduated from a
48 secondary school.

49 (b) The eligible institution shall promptly inform the:

- 50 (1) student;
- 51 (2) student's principal; and

(3) department of education;
of ~~its~~ **the institution's** decision under subsection (a).

(c) Upon demonstration of financial need, an eligible institution may grant financial assistance to a student accepted for admission to that institution.

SECTION 18. IC 20-10.1-15-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005] **Sec. 10.5. If a student enrolls in a course offered by an eligible institution under the program, the institution and the student's school corporation shall enter into a contract for dual credit. The contract must establish the terms and conditions under which:**

(1) the institution will award credit for specified classes successfully completed by students in the school corporation; and

(2) the school corporation will award credit for specified classes successfully completed by students at the institution.

SECTION 19. IC 20-10.1-15-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005] **Sec. 15.5. (a) Each eligible institution shall make and maintain, for each student enrolled in the program, records of the following:**

(1) The courses in which the student enrolls and the credit hours awarded for those courses.

(2) The courses that the student successfully completes and the courses that the student fails to complete.

(3) The postsecondary credit granted to the student.

(4) Other information requested by the commission for higher education.

(b) The commission for higher education is entitled to have access to the records made and maintained under subsection (a).

SECTION 20. IC 20-10.1-15-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 17. (a) The department of education, in consultation with the commission for higher education, shall:**

(1) establish guidelines to carry out this chapter; and

(2) evaluate the program annually and report to the Indiana state board of education concerning the program. ~~and~~

~~(3) adopt procedures for the award of grants from the postsecondary enrollment program fund established under section 16 of this chapter.~~

(b) The guidelines established under subsection (a)(1) must encourage participation by students at all achievement levels and in a variety of academic and vocational subjects.

SECTION 21. IC 20-10.1-15-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 18. The state board of education and the commission for higher education shall jointly adopt rules under IC 4-22-2 necessary to carry out this chapter.**

SECTION 22. IC 20-10.1-25.3-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2.5. As used in this chapter, "school corporation" includes, except as otherwise provided in**

1 this chapter, the Indiana School for the Deaf established by IC 20-16
 2 and the Indiana School for the Blind **and Visually Impaired**
 3 established by IC 20-15.

4 SECTION 23. IC 20-10.1-25.3-11 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) The department
 6 shall list all school corporations in Indiana according to assessed
 7 valuation for property tax purposes per student in ADM, beginning with
 8 the school corporation having the lowest assessed valuation for
 9 property tax purposes per student in ADM. For purposes of the list
 10 made under this section, the Indiana School for the Deaf and the
 11 Indiana School for the Blind **and Visually Impaired** shall be
 12 considered to have the lowest assessed valuation for property tax
 13 purposes per student in ADM during the six (6) year period beginning
 14 on July 1, 2001.

15 (b) The department must prepare a revised list under subsection (a)
 16 before a new series of grants may begin.

17 (c) The department shall determine those school corporations to be
 18 placed in a group to receive a grant in a fiscal year under this chapter
 19 as follows:

20 (1) Beginning with the school corporation that is first on the list
 21 developed under subsection (a), the department shall continue
 22 sequentially through the list and place school corporations that
 23 qualify for a grant under section 6 of this chapter in a group until
 24 the cumulative total ADM of all school corporations in the group
 25 depletes the money that is available for grants in the fiscal year.

26 (2) Each fiscal year the department shall develop a new group by
 27 continuing sequentially through the list beginning with the first
 28 qualifying school corporation on the list that was not placed in a
 29 group in the prior fiscal year.

30 (3) If the final group developed from the list contains substantially
 31 fewer students in ADM than available money, the department shall:

32 (A) prepare a revised list of school corporations under subsection
 33 (a); and

34 (B) place in the group qualifying school corporations from the
 35 top of the revised list.

36 (4) The department shall label the groups with sequential numbers
 37 beginning with "group one".

38 SECTION 24. IC 20-10.1-25.3-14 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) This section
 40 applies in a year when a school corporation receives a grant under this
 41 chapter. The school corporation's capital projects fund budget must
 42 include an expenditure for technology that is not less than the school
 43 corporation's average annual expenditure for technology from the
 44 capital projects fund in the six (6) budget years preceding the year of
 45 the grant. If the Indiana School for the Deaf or the Indiana School for
 46 the Blind **and Visually Impaired** receives a grant under this chapter,
 47 the school's expenditures for technology in the year of the grant must
 48 exceed the school's average annual expenditure for technology in the
 49 six (6) budget years preceding the year of the grant.

50 (b) For each year that a school corporation fails to observe subsection
 51 (a), the school corporation forfeits a grant under this chapter. The

forfeit of the grant shall occur in the first grant year after the school corporation fails to observe subsection (a).

SECTION 25. IC 20-10.1-25.3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. A school corporation that receives a grant under this chapter must deposit the grant in the school technology fund established under IC 21-2-18. If the Indiana School for the Deaf or the Indiana School for the Blind **and Visually Impaired** receives a grant under this chapter, the school must deposit the grant in an account or fund that the school uses exclusively for the funding of technology.

SECTION 26. IC 20-15-1-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4.5. "Executive" refers to the chief executive officer of the school appointed under IC 20-15-2-4.**

SECTION 27. IC 20-15-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. "School" refers to the Indiana School for the Blind **and Visually Impaired** established by IC 20-15-2-1.

SECTION 28. IC 20-15-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The Indiana School for the Blind **and Visually Impaired** is established as a state educational resource center that includes the following:

- (1) A residential and day school.
- (2) Outreach services.
- (3) Consultative services to local educational agencies to assist them in meeting the needs of locally enrolled students with visual disabilities.

SECTION 29. IC 20-15-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board shall appoint the ~~superintendent~~, **chief executive officer**, subject to the approval of the governor. The ~~superintendent~~ **executive** serves at the pleasure of the board and may be removed for cause.

(b) The ~~superintendent~~ **executive** appointee must have the following qualifications:

- (1) Be an educator with knowledge, skill, and ability in the appointee's profession.
- (2) Have a minimum of five (5) years of experience in instruction of students with visual **impairment** disabilities.
- (3) Have a master's degree or a higher degree.
- (4) Meet the qualifications for an Indiana teacher's certificate in the area of visual **impairment** disabilities.
- ~~(5) Have a superintendent's license or obtain a superintendent's license within two (2) years of appointment by the board.~~
- (5) Have at least five (5) years experience supervising other people.**

SECTION 30. IC 20-15-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The ~~superintendent~~, **executive**, subject to the approval of the board and IC 20-15-4, has complete responsibility for management of the school.

(b) The ~~superintendent~~ **executive** has responsibility for the following:

- (1) Direction of the education, care, safety, and well-being of all

students in attendance.

(2) Evaluation and improvement of the school staff, educational programs, and support services.

(3) Implementation and administration of the policies, mission, and goals of the school as established by the board.

(4) Serving as the purchasing agent for the school as provided in IC 5-22-4-8.

(5) Implementation of budgetary matters as recommended by the board and the department of education under IC 20-15-3-10(7).

(6) Management of the school's outreach program with local public schools.

(7) Advocating on behalf of the school under guidelines established by the board.

(8) Executing contracts on behalf of the school.

(c) The ~~superintendent~~ **executive** is the appointing authority for all employees necessary to properly conduct and operate the school.

SECTION 31. IC 20-15-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. Subject to:

(1) the determination by case conference committees based on individualized education programs as defined under IC 20-1-6-1; and

(2) the school's admissions criteria adopted by the board under IC 20-15-3-10(4);

the ~~superintendent~~ **executive** shall receive as students in the school Indiana residents who are visually disabled school age individuals.

SECTION 32. IC 20-15-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A placement review committee for the school is established. The committee consists of one (1) representative of each of the following:

(1) The board.

(2) The office of the secretary of family and social services.

(3) The superintendent of public instruction.

(b) The placement review committee shall meet upon petition of an interested party to review the following:

(1) Applications to the school denied through the process described in section 6 of this chapter.

(2) All instances of dismissal from the school for reasons other than graduation, voluntary transition to another educational facility, or voluntary departure from the school.

(c) The ~~superintendent~~ **executive** shall serve as an adviser to the placement review committee. The ~~superintendent~~ **executive** shall provide the placement review committee with information and justification for all application denials and dismissals under review.

(d) The placement review committee may recommend that application denials or dismissals be reconsidered.

SECTION 33. IC 20-15-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. The ~~superintendent~~ **executive** may, subject to the approval of the governor and the policies of the board, receive, for the use of the school, gifts, legacies, devises, and conveyances of real or personal property that are made, given, or granted to or for the school.

1 SECTION 34. IC 20-15-3-1 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The Indiana School
 3 for the Blind **and Visually Impaired** board is established.

4 SECTION 35. IC 20-15-3-10 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The board shall
 6 do the following:

- 7 (1) Establish policies and accountability measures for the school.
- 8 (2) Implement this article.
- 9 (3) Perform the duties required by IC 5-22-4-8.
- 10 (4) Adopt rules under IC 4-22-2 to establish criteria for the
- 11 admission of children with visual disabilities, including children
- 12 with multiple disabilities, at the school.
- 13 (5) Hire the ~~superintendent~~, **executive**, who serves at the pleasure
- 14 of the board.
- 15 (6) Determine the salary and benefits of the ~~superintendent~~.
- 16 **executive.**
- 17 (7) Adopt rules under IC 4-22-2 required by this article.

18 (b) The board shall submit the school's biennial budget to the
 19 department of education, which shall review the proposed budget. As
 20 part of its review, the department may request and shall receive from
 21 the board, in a form as may reasonably be required by the department,
 22 all information used by the board to develop the proposed budget. If,
 23 upon review, the department determines that any part of the budget
 24 request is not supported by the information provided, the department
 25 shall meet with the board at the earliest date possible in order to
 26 reconcile the budget request. The department shall submit the
 27 reconciled budget to the budget agency and the budget committee.

28 SECTION 36. IC 20-15-4-2 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. ~~(a) This section~~
 30 ~~applies after March 31, 2000.~~

31 ~~(b)~~ The ~~superintendent executive~~ shall hire directly for those
 32 positions as approved by the state personnel department and the board
 33 any candidate the ~~superintendent executive~~ considers qualified to fill
 34 a position at the school. The state personnel department, in
 35 collaboration with the board, shall annually develop a list of job
 36 classifications for positions at the school for which the ~~superintendent~~
 37 **executive** may fill a vacancy by hiring a candidate for the position
 38 based on a search for qualified candidates outside the state personnel
 39 hiring list.

40 SECTION 37. IC 20-16-1-4.5 IS ADDED TO THE INDIANA
 41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2005]: **Sec. 4.5. "Executive" refers to the**
 43 **chief executive officer of the school appointed under IC 20-16-2-4.**

44 SECTION 38. IC 20-16-2-4 IS AMENDED TO READ AS
 45 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board shall
 46 appoint the ~~superintendent~~ **chief executive officer** subject to the
 47 approval of the governor. The ~~superintendent executive~~ serves at the
 48 pleasure of the board and may be removed for cause.

49 (b) The ~~superintendent executive~~ appointee must have the following
 50 qualifications:

- 51 (1) Be an educator with knowledge, skill, and ability in the

1 appointee's profession.

2 (2) Have a minimum of five (5) years of experience in instruction
3 of students with hearing **impairment** disabilities.

4 (3) Have a master's degree or a higher degree.

5 (4) Meet the qualifications for an Indiana teacher's certificate in the
6 area of hearing **impairment** disabilities.

7 ~~(5) Have a superintendent's license or obtain a superintendent's~~
8 ~~license within two (2) years of appointment by the board.~~

9 **(5) Have at least five (5) years experience supervising other**
10 **people.**

11 SECTION 39. IC 20-16-2-5 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The
13 ~~superintendent~~, **executive**, subject to the approval of the board and
14 IC 20-16-4, has complete responsibility for management of the school.

15 (b) The ~~superintendent~~ **executive** has responsibility for the following:

16 (1) Direction of the education, care, safety, and well-being of all
17 students in attendance.

18 (2) Evaluation and improvement of the school staff, educational
19 programs, and support services.

20 (3) Implementation and administration of the policies, mission, and
21 goals of the school as established by the board.

22 (4) Serving as the purchasing agent for the school as provided in
23 IC 5-22-4-8.

24 (5) Implementation of budgetary matters as recommended by the
25 board and the department of education under IC 20-16-3-10(7).

26 (6) Management of the school's outreach program with local public
27 schools.

28 (7) Advocating on behalf of the school under guidelines established
29 by the board.

30 (8) Executing contracts on behalf of the school.

31 (c) The ~~superintendent~~ **executive** is the appointing authority for all
32 employees necessary to properly conduct and operate the school.

33 SECTION 40. IC 20-16-2-6 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. Subject to:

35 (1) the determination by case conference committee based on
36 individualized education programs, as defined under IC 20-1-6-1;
37 and

38 (2) the school's admission criteria adopted by the board under
39 IC 20-16-3-10(4);

40 the ~~superintendent~~ **executive** shall receive as students in the school
41 Indiana residents who are hearing disabled school age individuals.

42 SECTION 41. IC 20-16-2-7 IS AMENDED TO READ AS
43 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A placement
44 review committee for the school is established. The committee consists
45 of one (1) representative of each of the following:

46 (1) The board.

47 (2) The office of the secretary of family and social services.

48 (3) The superintendent of public instruction.

49 (b) The placement review committee shall meet upon petition of an
50 interested party to review the following:

51 (1) Applications to the school denied through the process described

in section 6 of this chapter.

(2) All instances of dismissal from the school for reasons other than graduation, voluntary transition to another educational facility, or voluntary departure from the school.

(c) The **superintendent executive** shall serve as an adviser to the placement review committee. The **superintendent executive** shall provide the placement review committee with information and justification for all application denials and dismissals under review.

(d) The placement review committee may recommend that application denials or dismissals be reconsidered.

SECTION 42. IC 20-16-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. The **superintendent executive** may, subject to the approval of the governor and the policies of the board, receive, for the use of the school, gifts, legacies, devises, and conveyances of real and personal property that are made, given, or granted to or for the school.

SECTION 43. IC 20-16-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The board shall do the following:

- (1) Establish policies and accountability measures for the school.
- (2) Implement this article.
- (3) Perform the duties required by IC 5-22-4-8.
- (4) Adopt rules under IC 4-22-2 to establish criteria for the admission of children with hearing disabilities, including children with multiple disabilities, at the school.
- (5) Hire the **superintendent executive**, who serves at the pleasure of the board.
- (6) Determine the salary and benefits of the **superintendent executive**.
- (7) Adopt rules under IC 4-22-2 required by this article.

(b) The board shall submit the school's biennial budget to the department of education, which shall review the proposed budget. As part of its review, the department may request and shall receive from the board, in a form as may reasonably be required by the department, all information used by the board to develop the proposed budget. If, upon review, the department determines that any part of the budget request is not supported by the information provided, the department shall meet with the board at the earliest date possible in order to reconcile the budget request. The department shall submit the reconciled budget to the budget agency and the budget committee.

SECTION 44. IC 20-16-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. ~~(a) This section applies after March 31, 2000.~~

~~(b)~~ The **superintendent executive** shall hire directly for those positions as approved by the state personnel department and the board any candidate the **superintendent executive** considers qualified to fill a position at the school. The state personnel department, in collaboration with the board, shall annually develop a list of job classifications for positions at the school for which the **superintendent executive** may fill a vacancy by hiring a candidate for the position based on a search for qualified candidates outside the state personnel

1 hiring list.

2 SECTION 45. IC 20-20-13-3, AS ADDED BY HEA 1288-2005,
3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2005]: Sec. 3. As used in sections 13 through 24 of this
5 chapter, "school corporation" includes, except as otherwise provided in
6 this chapter, **the Indiana School for the Blind and Visually Impaired**
7 **established by IC 20-21-2-1** and the Indiana School for the Deaf
8 established by IC 20-22-2-1. ~~and the Indiana School for the Blind~~
9 ~~established by IC 20-21-2-1.~~

10 SECTION 46. IC 20-20-13-19, AS ADDED BY HEA 1288-2005,
11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2005]: Sec. 19. (a) The department shall list all school
13 corporations in Indiana according to assessed valuation for property tax
14 purposes per student in ADM, beginning with the school corporation
15 having the lowest assessed valuation for property tax purposes per
16 student in ADM. For purposes of the list made under this section, **the**
17 **Indiana School for the Blind and Visually Impaired established by**
18 **IC 20-21-2-1** and the Indiana School for the Deaf established by
19 IC 20-22-2-1 ~~and the Indiana School for the Blind established by~~
20 ~~IC 20-21-2-1~~ shall be considered to have the lowest assessed valuation
21 for property tax purposes per student in ADM during the six (6) year
22 period beginning July 1, 2001.

23 (b) The department must prepare a revised list under subsection (a)
24 before a new series of grants may begin.

25 (c) The department shall determine those school corporations to be
26 placed in a group to receive a grant in a fiscal year under sections 13
27 through 24 of this chapter as follows:

28 (1) Beginning with the school corporation that is first on the list
29 developed under subsection (a), the department shall continue
30 sequentially through the list and place school corporations that
31 qualify for a grant under section 15 of this chapter in a group until
32 the cumulative total ADM of all school corporations in the group
33 depletes the money that is available for grants in the fiscal year.

34 (2) Each fiscal year the department shall develop a new group by
35 continuing sequentially through the list beginning with the first
36 qualifying school corporation on the list that was not placed in a
37 group in the prior fiscal year.

38 (3) If the final group developed from the list contains substantially
39 fewer students in ADM than available money, the department shall:

40 (A) prepare a revised list of school corporations under subsection
41 (a); and

42 (B) place in the group qualifying school corporations from the
43 top of the revised list.

44 (4) The department shall label the groups with sequential numbers
45 beginning with "group one".

46 SECTION 47. IC 20-20-13-22, AS ADDED BY HEA 1288-2005,
47 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
48 JULY 1, 2005]: Sec. 22. (a) This section applies in a year when a
49 school corporation receives a grant under sections 13 through 24 of this
50 chapter. The school corporation's capital projects fund budget must
51 include an expenditure for technology that is not less than the school

corporation's average annual expenditure for technology from the capital projects fund in the six (6) budget years preceding the year of the grant. If the **Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1** or the Indiana School for the Deaf established by IC 20-22-2-1 ~~or the Indiana School for the Blind established by IC 20-21-2-1~~ receives a grant under sections 13 through 24 of this chapter, the school's expenditures for technology in the year of the grant must exceed the school's average annual expenditure for technology in the six (6) budget years preceding the year of the grant.

(b) For each year that a school corporation fails to observe subsection (a), the school corporation forfeits a grant under sections 13 through 24 of this chapter. The forfeit of the grant must occur in the first grant year after the school corporation fails to observe subsection (a).

SECTION 48. IC 20-20-13-24, AS ADDED BY HEA 1288-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 24. A school corporation that receives a grant under sections 13 through 24 of this chapter shall deposit the grant in the school technology fund established under IC 21-2-18. If the **Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1** or the Indiana School for the Deaf established by IC 20-22-2-1 ~~or the Indiana School for the Blind established by IC 20-21-2-1~~ receives a grant under sections 13 through 24 of this chapter, the school shall deposit the grant in an account or fund that the school uses exclusively for the funding of technology.

SECTION 49. IC 20-21-1-2, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. "Board" refers to the Indiana School for the Blind **and Visually Impaired** board established by IC 20-21-3-1.

SECTION 50. IC 20-21-1-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4.5. "Executive" refers to the chief executive officer of the school appointed under IC 20-21-2-4.**

SECTION 51. IC 20-21-1-5, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. "School" refers to the Indiana School for the Blind **and Visually Impaired** established by IC 20-21-2-1.

SECTION 52. IC 20-21-2-1, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The Indiana School for the Blind **and Visually Impaired** is established as a state educational resource center that includes the following:

- (1) A residential and day school.
- (2) Outreach services.
- (3) Consultative services to local educational agencies to assist the agencies in meeting the needs of locally enrolled students with visual disabilities.

SECTION 53. IC 20-21-2-4, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board shall appoint the ~~superintendent~~, **chief executive officer**, subject to the approval of the governor. The ~~superintendent executive~~ serves at the pleasure of the board and may

be removed for cause.

(b) The ~~superintendent~~ **executive** appointee must have the following qualifications:

(1) Be an educator with knowledge, skill, and ability in the appointee's profession.

(2) Have at least five (5) years experience in instruction of ~~visually disabled~~ students **with visual impairment disabilities**.

(3) Have a master's degree or a higher degree.

(4) Meet the qualifications for an Indiana teacher's certificate in the area of visual **impairment** disabilities.

~~(5) Have a superintendent's license or obtain a superintendent's license not more than two (2) years after appointment by the board.~~

(5) Have at least five (5) years experience supervising other individuals.

SECTION 54. IC 20-21-2-5, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The ~~superintendent~~, **executive**, subject to the approval of the board and IC 20-21-4, has complete responsibility for management of the school.

(b) The ~~superintendent~~ **executive** has responsibility for the following:

(1) Direction of the education, care, safety, and well-being of all students in attendance.

(2) Evaluation and improvement of the school staff, educational programs, and support services.

(3) Implementation and administration of the policies, mission, and goals of the school as established by the board.

(4) Serving as the purchasing agent for the school under IC 5-22-4-8.

(5) Implementation of budgetary matters as recommended by the board and the department of education under IC 20-21-3-10(b).

(6) Management of the school's outreach program with local public schools.

(7) Advocating on behalf of the school under guidelines established by the board.

(8) Executing contracts on behalf of the school.

(c) The ~~superintendent~~ **executive** is the appointing authority for all employees necessary to properly conduct and operate the school.

SECTION 55. IC 20-21-2-6, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. Subject to:

(1) the determination by case conference committees based on individualized education programs; and

(2) the school's admissions criteria adopted by the board under IC 20-21-3-10(a)(4);

the ~~superintendent~~ **executive** shall receive as students in the school Indiana residents who are visually disabled school age individuals.

SECTION 56. IC 20-21-2-7, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A placement review committee for the school is established. The placement review committee consists of one (1) representative of each of the following:

- 1 (1) The board.
- 2 (2) The office of the secretary of family and social services.
- 3 (3) The state superintendent.
- 4 (b) The placement review committee shall meet upon petition of an
- 5 interested party to review the following:
- 6 (1) Applications to the school denied through the process described
- 7 in section 6 of this chapter.
- 8 (2) All instances of dismissal from the school for reasons other than
- 9 graduation, voluntary transition to another educational facility, or
- 10 voluntary departure from the school.
- 11 (c) The ~~superintendent~~ **executive** shall serve as an adviser to the
- 12 placement review committee. The ~~superintendent~~ **executive** shall
- 13 provide the placement review committee with information and
- 14 justification for all application denials and dismissals under review.
- 15 (d) The placement review committee may recommend that
- 16 application denials or dismissals be reconsidered.
- 17 SECTION 57. IC 20-21-2-13, AS ADDED BY HEA 1288-2005,
- 18 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2005]: Sec. 13. The ~~superintendent~~ **executive** may, subject to
- 20 the approval of the governor and the policies of the board, receive, for
- 21 the use of the school, gifts, legacies, devises, and conveyances of real
- 22 or personal property that are made, given, or granted to or for the
- 23 school.
- 24 SECTION 58. IC 20-21-3-1, AS ADDED BY HEA 1288-2005,
- 25 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JULY 1, 2005]: Sec. 1. The Indiana School for the Blind **and Visually**
- 27 **Impaired** board is established.
- 28 SECTION 59. IC 20-21-3-10, AS ADDED BY HEA 1288-2005,
- 29 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 30 JULY 1, 2005]: Sec. 10. (a) The board shall do the following:
- 31 (1) Establish policies and accountability measures for the school.
- 32 (2) Implement this article.
- 33 (3) Perform the duties required by IC 5-22-4-8.
- 34 (4) Adopt rules under IC 4-22-2 to establish criteria for the
- 35 admission of visually disabled children, including children with
- 36 multiple disabilities, at the school.
- 37 (5) Hire the ~~superintendent~~, **executive**, who serves at the pleasure
- 38 of the board.
- 39 (6) Determine the salary and benefits of the ~~superintendent~~.
- 40 **executive**.
- 41 (7) Adopt rules under IC 4-22-2 required by this article.
- 42 (b) The board shall submit the school's biennial budget to the
- 43 department, which shall review the proposed budget. As part of its
- 44 review, the department may request and shall receive from the board,
- 45 in a form as may reasonably be required by the department, all
- 46 information used by the board to develop the proposed budget. If, upon
- 47 review, the department determines that any part of the budget request
- 48 is not supported by the information provided, the department shall meet
- 49 with the board at the earliest date possible in order to reconcile the
- 50 budget request. The department shall submit the reconciled budget to
- 51 the budget agency and the budget committee.

SECTION 60. IC 20-21-4-2, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The ~~superintendent~~ **executive** shall hire directly for those positions as approved by the state personnel department and the board any candidate the ~~superintendent~~ **executive** considers qualified to fill a position at the school. The state personnel department, in collaboration with the board, shall annually develop a list of job classifications for positions at the school for which the ~~superintendent~~ **executive** may fill a vacancy by hiring a candidate for the position based on a search for qualified candidates outside the state personnel hiring list.

SECTION 61. IC 20-22-1-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4.5. "Executive" refers to the chief executive officer of the school appointed under IC 20-22-2-4.**

SECTION 62. IC 20-22-2-4, AS ADDED BY HEA 1288-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board shall appoint the ~~superintendent~~; **chief executive officer**, subject to the approval of the governor. The ~~superintendent executive~~ serves at the pleasure of the board and may be removed for cause.

(b) The ~~superintendent executive~~ appointee must have the following qualifications:

- (1) Be an educator with knowledge, skill, and ability in the appointee's profession.
- (2) Have at least five (5) years experience in instruction of ~~hearing disabled~~ students **with hearing impairment disabilities.**
- (3) Have a master's degree or a higher degree.
- (4) Meet the qualifications for an Indiana teacher's certificate in the area of hearing **impairment** disabilities.
- ~~(5) Have a superintendent's license or obtain a superintendent's license not more than two (2) years after appointment by the board.~~
- (5) Have at least five (5) years experience supervising other individuals.**

SECTION 63. IC 20-22-2-5, AS ADDED BY HEA 1288-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The ~~superintendent~~; **executive**, subject to the approval of the board and IC 20-21-4, has complete responsibility for management of the school.

(b) The ~~superintendent executive~~ has responsibility for the following:

- (1) Direction of the education, care, safety, and well-being of all students in attendance.
- (2) Evaluation and improvement of the school staff, educational programs, and support services.
- (3) Implementation and administration of the policies, mission, and goals of the school as established by the board.
- (4) Serving as the purchasing agent for the school under IC 5-22-4-8.
- (5) Implementation of budgetary matters as recommended by the board and the department of education under IC 20-22-3-10(b).
- (6) Management of the school's outreach program with local public

- 1 schools.
- 2 (7) Advocating on behalf of the school under guidelines established
- 3 by the board.
- 4 (8) Executing contracts on behalf of the school.
- 5 (c) The ~~superintendent~~ **executive** is the appointing authority for all
- 6 employees necessary to properly conduct and operate the school.
- 7 SECTION 64. IC 20-22-2-6, AS ADDED BY HEA 1288-2005,
- 8 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 9 JULY 1, 2005]: Sec. 6. Subject to:
- 10 (1) the determination by case conference committees based on
- 11 individualized education programs; and
- 12 (2) the school's admissions criteria adopted by the board under
- 13 IC 20-22-3-10(a)(4);
- 14 the ~~superintendent~~ **executive** shall receive as students in the school
- 15 Indiana residents who are hearing disabled school age individuals.
- 16 SECTION 65. IC 20-22-2-7, AS ADDED BY HEA 1288-2005,
- 17 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2005]: Sec. 7. (a) A placement review committee for the
- 19 school is established. The placement review committee consists of one
- 20 (1) representative of each of the following:
- 21 (1) The board.
- 22 (2) The office of the secretary of family and social services.
- 23 (3) The state superintendent.
- 24 (b) The placement review committee shall meet upon petition of an
- 25 interested party to review the following:
- 26 (1) Applications to the school denied through the process described
- 27 in section 6 of this chapter.
- 28 (2) All instances of dismissal from the school for reasons other than
- 29 graduation, voluntary transition to another educational facility, or
- 30 voluntary departure from the school.
- 31 (c) The ~~superintendent~~ **executive** shall serve as an adviser to the
- 32 placement review committee. The ~~superintendent~~ **executive** shall
- 33 provide the placement review committee with information and
- 34 justification for all application denials and dismissals under review.
- 35 (d) The placement review committee may recommend that
- 36 application denials or dismissals be reconsidered.
- 37 SECTION 66. IC 20-22-2-13, AS ADDED BY HEA 1288-2005,
- 38 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 JULY 1, 2005]: Sec. 13. The ~~superintendent~~ **executive** may, subject to
- 40 the approval of the governor and the policies of the board, receive, for
- 41 the use of the school, gifts, legacies, devises, and conveyances of real
- 42 or personal property that are made, given, or granted to or for the
- 43 school.
- 44 SECTION 67. IC 20-22-3-10, AS ADDED BY HEA 1288-2005,
- 45 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 46 JULY 1, 2005]: Sec. 10. (a) The board shall do the following:
- 47 (1) Establish policies and accountability measures for the school.
- 48 (2) Implement this article.
- 49 (3) Perform the duties required by IC 5-22-4-8.
- 50 (4) Adopt rules under IC 4-22-2 to establish criteria for the
- 51 admission of hearing disabled children, including children with

multiple disabilities, at the school.

(5) Hire the ~~superintendent~~, **executive**, who serves at the pleasure of the board.

(6) Determine the salary and benefits of the ~~superintendent~~, **executive**.

(7) Adopt rules under IC 4-22-2 required by this article.

(b) The board shall submit the school's biennial budget to the department, which shall review the proposed budget. As part of its review, the department may request and shall receive from the board, in a form as may reasonably be required by the department, all information used by the board to develop the proposed budget. If, upon review, the department determines that any part of the budget request is not supported by the information provided, the department shall meet with the board at the earliest date possible in order to reconcile the budget request. The department shall submit the reconciled budget to the budget agency and the budget committee.

SECTION 68. IC 20-22-4-2, AS ADDED BY HEA 1288-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The ~~superintendent~~ **executive** shall hire directly for those positions as approved by the state personnel department and the board any candidate the ~~superintendent~~ **executive** considers qualified to fill a position at the school. The state personnel department, in collaboration with the board, shall annually develop a list of job classifications for positions at the school for which the ~~superintendent~~ **executive** may fill a vacancy by hiring a candidate for the position based on a search for qualified candidates outside the state personnel hiring list.

SECTION 69. IC 20-27-3-1, AS ADDED BY HEA 1288-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The state school bus committee is established. The committee has the following voting members:

(1) The state superintendent or the state superintendent's authorized representative, who serves as chairperson of the committee.

(2) The commissioner of the bureau of motor vehicles, or the commissioner's authorized representative.

(3) The administrator of the motor carrier services division of the department of state revenue.

(4) The director of the governor's council on impaired and dangerous driving.

(5) A school bus driver appointed by the state superintendent upon the recommendation of the Indiana State Association of School Bus Drivers, Inc.

(6) A superintendent of a school corporation appointed by the state superintendent upon the recommendation of the Indiana Association of Public School Superintendents.

(7) A member of the governing body of a school corporation appointed by the state superintendent upon the recommendation of the Indiana School Boards Association.

(8) A representative of the Indiana School for the Blind **and Visually Impaired** or the Indiana School for the Deaf appointed by

the state superintendent.

(9) A member of the School Transportation Association of Indiana appointed by the state superintendent upon the recommendation of the School Transportation Association of Indiana.

(b) The state superintendent shall designate a secretary from the department who shall keep the official record of the meetings and of official transactions of the committee.

SECTION 70. IC 20-30-11-4, AS ADDED BY HEA 1288-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The postsecondary enrollment program is established for secondary school students in grades 11 and 12.

(b) A student may ~~upon approval of the student's school corporation,~~ enroll in courses offered by an eligible institution under the program on a full-time or part-time basis during grade 11 or grade 12, or both.

(c) If a school corporation has approved a course offered by an eligible institution for secondary credit, a student is entitled to credit toward graduation requirements for each course the student successfully completes at the eligible institution.

SECTION 71. IC 20-30-11-7, AS ADDED BY HEA 1288-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. ~~(a)~~ A representative of the school corporation shall meet with each student who intends to participate in the program and discuss the following:

~~(1) The student's eligibility to participate in the program.~~

~~(2)~~ (1) The courses in which the student is authorized to enroll.

~~(3)~~ (2) The postsecondary credit the student earns upon successful completion of a course.

~~(4)~~ (3) The consequences of a student's failure to successfully complete a course.

~~(5)~~ (4) The student's schedule.

~~(6)~~ (5) The financial obligations of the student and the school under the program.

~~(7)~~ (6) The responsibilities of the student, the student's parent, and the school under the program.

~~(8)~~ (7) Other matters concerning the program.

(b) The representative of the school corporation shall make a recommendation to the principal concerning the student's participation in the program.

(c) Based on the recommendation received under subsection (b), the principal shall determine:

(1) the student's eligibility to participate in the program; and

(2) the courses approved for secondary credit.

(d) The principal shall notify the student and the superintendent, in writing, of the determination under subsection (c). If the principal determines that:

(1) the student is not eligible to participate in the program; or

(2) a course in which the student intends to enroll is not approved for secondary credit;

the principal must state, in writing, the reasons for that determination.

SECTION 72. IC 20-30-11-8, AS ADDED BY HEA 1288-2005,

SECTION 14, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2005]: Sec. 8. The governing body of each
school corporation shall:

(1) adopt policies to implement the program, based on guidelines
established by the department; **and**

(2) **work with eligible institutions to grant secondary credits to
a student who attends a postsecondary institution while the
student is also attending secondary school.**

SECTION 73. IC 20-30-11-10, AS ADDED BY HEA 1288-2005,
SECTION 14, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2005]: Sec. 10. (a) A student ~~who is approved
for participation in the program~~ may apply for enrollment to an eligible
institution. The eligible institution shall accept or reject the student
based on the standards ordinarily used to decide student enrollments.
However, a student ~~who is approved for participation in the program by
the student's school corporation~~ may not be refused admission solely
because the student has not graduated from a secondary school.

(b) The eligible institution shall promptly inform the:

- (1) student;
- (2) student's principal; and
- (3) department;

of the decision under subsection (a).

(c) Upon demonstration of financial need, an eligible institution may
grant financial assistance to a student accepted for admission to the
eligible institution.

SECTION 74. IC 20-30-11-10.5 IS ADDED TO THE INDIANA
CODE AS A **NEW** SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2005] **Sec. 10.5. If a student enrolls in a
course offered by an eligible institution under the program, the
institution and the student's school corporation shall enter into a
contract for dual credit. The contract must establish the terms and
conditions under which:**

(1) **the institution will award credit for specified classes
successfully completed by students in the school corporation;
and**

(2) **the school corporation will award credit for specified classes
successfully completed by students at the institution.**

SECTION 75. IC 20-30-11-15.5 IS ADDED TO THE INDIANA
CODE AS A **NEW** SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2005] **Sec. 15.5. (a) Each eligible institution
shall make and maintain, for each student enrolled in the program,
records of the following:**

(1) **The courses in which the student enrolls and the credit
hours awarded for those courses.**

(2) **The courses that the student successfully completes and the
courses that the student fails to complete.**

(3) **The postsecondary credit granted to the student.**

(4) **Other information requested by the commission for higher
education.**

(b) **The commission for higher education is entitled to have access
to the records made and maintained under subsection (a).**

SECTION 76. IC 20-30-11-17, AS ADDED BY HEA 1288-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. (a) The department, **in consultation with the commission for higher education**, shall:

- (1) establish guidelines to carry out this chapter; **and**
- (2) evaluate the program annually and report to the state board concerning the program. ~~and~~
- ~~(3) adopt procedures for the award of grants from the postsecondary enrollment program fund established by section 16 of this chapter.~~

(b) The guidelines established under subsection (a)(1) must encourage participation by students at all achievement levels and in a variety of academic and vocational subjects.

SECTION 77. IC 20-30-11-18, AS ADDED BY HEA 1288-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. The state board **and the commission for higher education** shall adopt rules under IC 4-22-2 to carry out this chapter.

SECTION 78. IC 20-33-3-33, AS ADDED BY HEA 1288-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 33. The employment of children by the:

- (1) Indiana School for the Deaf; and
- (2) Indiana School for the Blind **and Visually Impaired**;

is subject to the general restrictions imposed on child labor under this chapter.

SECTION 79. IC 20-35-2-1, AS ADDED BY HEA 1288-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) There is established under the state board a division of special education. The division shall exercise all the power and duties set out in this chapter, IC 20-35-3 through IC 20-35-6, and IC 20-35-8.

(b) The governor shall appoint, upon the recommendation of the state superintendent, a director of special education who serves at the pleasure of the governor. The amount of compensation of the director shall be determined by the budget agency with the approval of the governor. The director has the following duties:

- (1) To do the following:
 - (A) Have general supervision of all programs, classes, and schools for children with disabilities, including those conducted by public schools, the Indiana School for the Blind **and Visually Impaired**, the Indiana School for the Deaf, the department of correction, the state department of health, the division of disability, aging, and rehabilitative services, and the division of mental health and addiction.

(B) Coordinate the work of schools described in clause (A). For programs for preschool children with disabilities as required under IC 20-35-4-9, have general supervision over programs, classes, and schools, including those conducted by the schools or other state or local service providers as contracted for under IC 20-35-4-9. However, general supervision does not include the

determination of admission standards for the state departments, boards, or agencies authorized to provide programs or classes under this chapter.

(2) To adopt, with the approval of the state board, rules governing the curriculum and instruction, including licensing of personnel in the field of education, as provided by law.

(3) To inspect and rate all schools, programs, or classes for children with disabilities to maintain proper standards of personnel, equipment, and supplies.

(4) With the consent of the state superintendent and the budget agency, to appoint and determine salaries for any assistants and other personnel needed to enable the director to accomplish the duties of the director's office.

(5) To adopt, with the approval of the state board, the following:

(A) Rules governing the identification and evaluation of children with disabilities and their placement under an individualized education program in a special education program.

(B) Rules protecting the rights of a child with a disability and the parents of the child with a disability in the identification, evaluation, and placement process.

(6) To make recommendations to the state board concerning standards and case load ranges for related services to assist each teacher in meeting the individual needs of each child according to that child's individualized education program. The recommendations may include the following:

(A) The number of teacher aides recommended for each exceptionality included within the class size ranges.

(B) The role of the teacher aide.

(C) Minimum training recommendations for teacher aides and recommended procedures for the supervision of teacher aides.

(7) To cooperate with the interagency coordinating council established by IC 12-17-15-7 to ensure that the preschool special education programs required IC 20-35-4-9 are consistent with the early intervention services program described in IC 12-17-15.

(c) The director or the state board may exercise authority over vocational programs for children with disabilities through a letter of agreement with the department of workforce development.

SECTION 80. IC 20-35-3-1, AS ADDED BY HEA 1288-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The state superintendent shall appoint a state advisory council on the education of children with disabilities. The state advisory council's duties consist of providing policy guidance concerning special education and related services for children with disabilities. The state superintendent shall appoint at least seventeen (17) members who serve for a term of four (4) years. Vacancies shall be filled in the same manner for the unexpired balance of the term.

(b) The members of the state advisory council must be:

(1) citizens of Indiana;

(2) representative of the state's population; and

(3) selected on the basis of their involvement in or concern with the

- 1 education of children with disabilities.
- 2 (c) A majority of the members of the state advisory council must be
- 3 individuals with disabilities or the parents of children with disabilities.
- 4 Members must include the following:
- 5 (1) Parents of children with disabilities.
- 6 (2) Individuals with disabilities.
- 7 (3) Teachers.
- 8 (4) Representatives of higher education institutions that prepare
- 9 special education and related services personnel.
- 10 (5) State and local education officials.
- 11 (6) Administrators of programs for children with disabilities.
- 12 (7) Representatives of state agencies involved in the financing or
- 13 delivery of related services to children with disabilities, including
- 14 the following:
- 15 (A) The commissioner of the state department of health or the
- 16 commissioner's designee.
- 17 (B) The director of the division of disability, aging, and
- 18 rehabilitative services or the director's designee.
- 19 (C) The director of the division of mental health and addiction or
- 20 the director's designee.
- 21 (D) The director of the division of family and children or the
- 22 director's designee.
- 23 (8) Representatives of nonpublic schools and freeway schools.
- 24 (9) One (1) or more representatives of vocational, community, or
- 25 business organizations concerned with the provision of transitional
- 26 services to children with disabilities.
- 27 (10) Representatives of the department of correction.
- 28 (11) A representative from each of the following:
- 29 (A) The Indiana School for the Blind **and Visually Impaired**
- 30 board.
- 31 (B) The Indiana School for the Deaf board.
- 32 (d) The responsibilities of the state advisory council are as follows:
- 33 (1) To advise the state superintendent and the state board regarding
- 34 all rules pertaining to children with disabilities.
- 35 (2) To recommend approval or rejection of completed
- 36 comprehensive plans submitted by school corporations acting
- 37 individually or on a joint school services program basis with other
- 38 corporations.
- 39 (3) To advise the department of unmet needs within Indiana in the
- 40 education of children with disabilities.
- 41 (4) To provide public comment on rules proposed by the state
- 42 board regarding the education of children with disabilities.
- 43 (5) To advise the department in developing evaluations and
- 44 reporting data to the United States Secretary of Education under 20
- 45 U.S.C. 1418.
- 46 (6) To advise the department in developing corrective action plans
- 47 to address findings identified in federal monitoring reports under
- 48 20 U.S.C. 1400 et seq.
- 49 (7) To advise the department in developing and implementing
- 50 policies related to the coordination of services for children with
- 51 disabilities.

(e) The state advisory council shall do the following:

(1) Organize with a chairperson selected by the state superintendent.

(2) Meet as often as necessary to conduct the council's business at the call of the chairperson, upon ten (10) days written notice, but not less than four (4) times a year.

(f) Members of the state advisory council are entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties.

(g) The state superintendent shall do the following:

(1) Designate the director to act as executive secretary of the state advisory council.

(2) Furnish all professional and clerical assistance necessary for the performance of the state advisory council's powers and duties.

(h) The affirmative votes of a majority of the members appointed to the state advisory council are required for the state advisory council to take action.

SECTION 81. IC 20-35-4-10, AS AMENDED BY SEA 397-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) For purposes of this section, "comprehensive plan" means a plan for educating the following:

(1) All children with disabilities that a school corporation is required to educate under sections 8 through 9 of this chapter.

(2) The additional children with disabilities that the school corporation elects to educate.

(b) For purposes of this section, "school corporation" includes the following:

(1) The Indiana School for the Blind **and Visually Impaired** board.

(2) The Indiana School for the Deaf board.

(c) The state board shall adopt rules under IC 4-22-2 detailing the contents of the comprehensive plan. Each school corporation shall complete and submit to the state superintendent a comprehensive plan. School corporations operating cooperative or joint special education services may submit a single comprehensive plan. In addition, if a school corporation enters into a contractual agreement as permitted under section 9 of this chapter, the school corporation shall collaborate with the service provider in formulating the comprehensive plan.

(d) Notwithstanding the age limits set out in IC 20-35-1-2, the state board may:

(1) conduct a program for the early identification of children with disabilities, between the ages of birth and less than twenty-two (22) years of age not served by the public schools or through a contractual agreement under section 9 of this chapter; and

(2) use agencies that serve children with disabilities other than the public schools.

(e) The state board shall adopt rules under IC 4-22-2 requiring the:

(1) department of correction;

(2) state department of health;

(3) division of disability, aging, and rehabilitative services;

(4) Indiana School for the Blind **and Visually Impaired** board;

(5) Indiana School for the Deaf board; and
 (6) division of mental health and addiction;
 to submit to the state superintendent a plan for the provision of special education for children in programs administered by each respective agency who are entitled to a special education.

(f) The state superintendent shall furnish professional consultant services to school corporations and the entities listed in subsection (e) to aid them in fulfilling the requirements of this section.

SECTION 82. IC 20-35-8-2, AS AMENDED BY SEA 397-2005, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The state board shall adopt rules under IC 4-22-2 to establish limits on the amount of transportation that may be provided in the student's individualized education program. Unless otherwise specially shown to be essential by the child's individualized education program, in case of residency in a public or private facility, these rules must limit the transportation required by the student's individualized education program to the following:

(1) The student's first entrance and final departure each school year.

(2) Round trip transportation each school holiday period.

(3) Two (2) additional round trips each school year.

(b) If a student is a transfer student receiving special education in a public school, the state or school corporation responsible for the payment of transfer tuition under IC 20-26-11-1 through IC 20-26-11-4 shall pay the cost of transportation required by the student's individualized education program. However, if a transfer student was counted as an eligible student for purposes of a distribution in a calendar year under IC 21-3-3.1, the transportation costs that the transferee school may charge for a school year ending in the calendar year shall be reduced by the sum of the following:

(1) The quotient of:

(A) the amount of money that the transferee school is eligible to receive under IC 21-3-3.1-2.1 for the calendar year in which the school year ends; divided by

(B) the number of eligible students for the transferee school for the calendar year (as determined under IC 21-3-3.1-2.1).

(2) The amount of money that the transferee school is eligible to receive under IC 21-3-3.1-4 for the calendar year in which the school year ends for the transportation of the transfer student during the school year.

(c) If a student receives a special education:

(1) in a facility operated by:

(A) the state department of health;

(B) the division of disability, aging, and rehabilitative services;
 or

(C) the division of mental health and addiction;

(2) at the Indiana School for the Blind **and Visually Impaired**; or

(3) at the Indiana School for the Deaf;

the school corporation in which the student has legal settlement shall pay the cost of transportation required by the student's individualized education program. However, if the student's legal settlement cannot be

1 ascertained, the state board shall pay the cost of transportation required
2 by the student's individualized education program.

3 (d) If a student is placed in a private facility under IC 20-35-6-2 in
4 order to receive a special education because the student's school
5 corporation cannot provide an appropriate special education program,
6 the school corporation in which the student has legal settlement shall
7 pay the cost of transportation required by the student's individualized
8 education program. However, if the student's legal settlement cannot be
9 ascertained, the state board shall pay the cost of transportation required
10 by the student's individualized education program.

11 SECTION 83. THE FOLLOWING ARE REPEALED [EFFECTIVE
12 JULY 1, 2005]: IC 20-10.1-15-9; IC 20-10.1-15-16; IC 20-12-17-3;
13 IC 20-15-1-7; IC 20-16-1-7; IC 20-21-1-7; IC 20-22-1-7;
14 IC 20-30-11-9; IC 20-30-11-16.

 (Reference is to EHB 1314 as printed March 11, 2005.)

Conference Committee Report
on
Engrossed House Bill 1314

Signed by:

Representative Behning
Chairperson

Senator Lubbers

Representative Porter

Senator Sipes

House Conferees

Senate Conferees